

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ANTHONY P. LOCRICCHIO; JAMES SLEMONS; JIM SLEMONS HAWAII, INC.,	)	Civ. No. 10-00710 ACK-RLP
	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
CONTINENTAL INVESTMENT COMPANY, LTD.; TONY HONDA AUTO; CAR STEREO INC.; ARTHUR GOTO; RONALD FUJIKAWA, President of Continental Investment Company, Ltd., JOHN DOES 1-10; JANE DOES 1-10; JOHN DOE CORPORATIONS 1-10; JOHN DOE LIMITED PARTNERSHIPS 1-10,	)	
	)	
Defendants.	)	
	)	

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ORDER STAYING HEARING DATED SEPTEMBER 1, 2011, AND DISCLOSING THE COURT'S PAST RELATIONSHIP WITH MR. LOCRICCHIO

Defendants Continental Investment Company, Arthur Goto, and Ronald Fujikawa have informed the Court that on September 22, 2011, the Bankruptcy Appellate Panel for the Ninth Circuit will be hearing several appeals whose resolution might resolve all of the issues in the matter before this Court. Doc. No. 35 at 1 n.1. This September 22 hearing date, which the Court has verified, alleviates concerns of a prolonged delay in waiting for the BAP to issue a ruling. In the interest of judicial economy, the Court will therefore stay the hearing currently scheduled for

September 1, 2011, until after the BAP has ruled. Accordingly, the motion to dismiss and joinder therein and the ex parte motion to stay are deemed withdrawn. The Court will consider these and or other motions, if there are any further issues which should appropriately be determined by the Court, when the Court is notified of the BAP's ruling and new notices of hearing are filed.<sup>1/</sup>

Also, the Court wishes to notify the parties that: (1) in the 1970s, when the undersigned was in private practice, Mr. Locricchio was of substantial assistance in resolving a major tenants-landlord conflict that involved one of the undersigned's clients, and also in assisting the undersigned in a subsequent lawsuit against the undersigned, his client, the governor of the State of Hawai'i, and others (which was related to the resolution of the foregoing conflict), see Windward Partners v. Ariyoshi, 693 F.2d 928 (9th Cir. 1982); (2) in the 1990s, the undersigned issued a summary judgment order, which was affirmed by the Ninth Circuit, against Mr. Locricchio's client in a case involving a different major tenants-landlord conflict, Pedrina v. Chun, 906 F. Supp. 1377 (D. Haw. 1995), aff'd 97 F.3d 1296 (9th Cir. 1996); and (3) also in the 1990s, the undersigned presided over a case involving a suit by Mr. Locricchio against a police officer and

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<sup>1/</sup> If the parties wish the Court to consider the motions now deemed withdrawn, they only need to file new notices of hearing; the parties need not re-file the actual motions or memoranda.

others in which the jury issued a verdict in favor of the defendants, Locricchio v. Richards, Civ. No. 93-00011 ACK (D. Haw. Apr. 22, 1994).<sup>2/</sup>

In view of the foregoing, the Court felt it appropriate to notify the parties of the above, although the Court believes that it can preside over the current case in an impartial and unbiased manner. Nevertheless, in the event either party believes the Court should recuse itself from presiding over this case, such party should file a request for a recusal, including the grounds therefor, by next **Wednesday, August 17, 2011.**

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<sup>2/</sup> The Court is raising this matter at this time because Mr. Locricchio mentioned the foregoing to the Court's law clerk in a telephone conversation today. The undersigned did not find it necessary to raise this matter earlier in view of the lapse of years and results in the subsequent cases involving Mr. Locricchio. The law clerk called Mr. Locricchio because Locricchio had not yet filed his opposition to Defendants' motion to dismiss. It is the practice of the Court to notify parties when they have failed to timely file their briefs. Similarly, the Court's law clerk called Defendants' attorney after Plaintiffs filed the July 17, 2011 ex parte motion to stay to determine whether Defendants would be opposing that motion.

IT IS SO ORDERED

DATED: Honolulu, Hawai'i, August 12, 2011.



*Alan C. Kay*  
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Alan C. Kay  
Sr. United States District Judge

Locricchio, et al. v. Continental Investment Company, Ltd., et al., Civ. No.  
10-00710 ACK-RLP: Order Staying Hearing Dated September 1, 2011, and  
Disclosing the Court's Past Relationship with Mr. Locricchio.